GOVERNMENT OF INDIA
PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
LOK SABHA

UNSTARRED QUESTION NO:6335
ANSWERED ON:12.04.2017
Reservation Provisions
Prasad Dr. Bhagirath

Will the Minister of PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS be pleased to state:

(a) whether the Indian Constitution provides for reservation in favour of the Scheduled Castes (SCs), Scheduled Tribes (STs) and the Other Backward Classes (OBCs) citizens and if so, the details of the percentage of appointments in the Government services;

(b) the status of compliance of reservation to SCs, STs and OBCs in the All India Services;

(c) the penal provisions against the appointing authorities for non-compliance in this regard and the details of officers punished in this regard so far; and

(d) whether the Government of India proposes to enact the Reservation Act to regulate and ensure such appointments as provided in the constitution and punish erring authorities in this regard and if so, the details thereof?

Answer

Minister of State in the Ministry of Personnel, Public Grievances and Pensions and Minister of State in the Prime Minister's Office. (DR. JITENDRA SINGH)
(a): Article 16(4) of the Indian Constitution empowers the State to make provision of reservation for appointments or posts in favor of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State.

As per extant instructions, reservation is provided at the rate of 15% for Scheduled Castes, 7.5% for Scheduled Tribes and 27% for Other Backward Classes in the matter of appointment by direct recruitment to civil posts and civil services (under the Central Government) on all India basis by open competition. Further, reservation is provided at the rate of 16.66% for Scheduled Castes, 7.5% for Scheduled Tribes and 25.84% for Other Backward Classes in the matter of appointment by direct recruitment to civil posts and civil services (under the Central Government) on all India basis other than by open competition.

(b): The appointments in All India Services are made through the Civil Services Examination by following the applicable norms of reservation.

(c): According to existing instructions, any deliberate non-compliance of extant reservation policy by a Government employee makes him liable for disciplinary action. No centralized data is maintained on the officers punished in this regard.

(d): At present, there is no proposal under the consideration of the Government to enact a Reservation Act.

The policy of reservation in services under the Government of India is administered through executive instructions − called Office Memoranda (OMs) issued by the Department of Personnel and Training from time to time. The OMs have laid down the policy frame-work in terms of which reservations in all public service appointments have been made all these years. The Hon'ble Supreme Court in the case of Indra Sawhney V/s Union of India has held that these instructions have the force of law.

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